

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 HAROLD HARDEN,

5 Plaintiff,

6 v.

7 DR. MONNINGOFF and S/O AGULAR,

8 Defendants.
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Case No. 2:14-cv-00377-APG-PAL

**ORDER DENYING MOTION FOR
RECONSIDERATION**

(ECF No. 91)

10 Plaintiff Harold Harden, a prisoner at Ely State Prison, filed this lawsuit alleging that in
11 April 2012, Dr. Monninghoff moved Harden to the mental health segregation unit without prior
12 notice and without his consent. ECF No. 17 at 4. He alleges he was forced to take drugs that
13 resulted in an allergic reaction. *Id.* He also alleges defendant Aguilar transported him to the
14 mental health segregation unit against his will and without any notice or opportunity to be heard.
15 *Id.*

16 Harden previously filed two motions for injunctive relief requesting that I transfer him to
17 obtain a second opinion or for surgery and that I direct he be treated for cysts that he contends are
18 not being treated at the prison. ECF Nos. 67, 77. I denied those motions because Harden
19 requested relief outside the issues in this lawsuit. ECF No. 87; *De Beers Consol. Mines v. United*
20 *States*, 325 U.S. 212, 220 (1945).

21 Harden moves for reconsideration, arguing that the requested injunctive relief is related to
22 the claims in his complaint because the cysts were caused by his allergic reaction to forced
23 medication. ECF No. 91. However, Harden presents no evidence to suggest any cysts he has
24 were caused by an allergic reaction to forced medication. He therefore has not presented any
25 basis for reconsideration. *See Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001)
26 (stating a court may reconsider if (1) the moving party presents newly discovered evidence, (2)
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1 “there is an intervening change in controlling law,” or (3) a prior order was clearly erroneous or
2 manifestly unjust); LR 59-1.

3 IT IS THEREFORE ORDERED that plaintiff Harold Harden’s for reconsideration (**ECF**
4 **No. 91**) is **DENIED**.

5 DATED this 28th day of June, 2016.

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9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
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